

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY APRIL 20, 2015

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AMENDED IN ASSEMBLY MARCH 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 59

Introduced by Assembly Member Waldron
(Coauthor: Assembly Member Olsen)
(Coauthors: Senators Hall and Huff)

December 9, 2014

An act to amend ~~Sections 5346, 5347, 5348, 5349, 5349.1, and 5349.5~~
~~of, and to add Section 5349.3 to, Section 5349.5 of~~ the Welfare and
Institutions Code, relating to mental health services.

LEGISLATIVE COUNSEL'S DIGEST

AB 59, as amended, Waldron. Mental health services: assisted outpatient treatment.

Existing law, the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, until January 1, 2017, grants each county the authority to offer certain assisted outpatient treatment services for their residents by adoption of a resolution or through the county budget process and by making a finding that no mental health program, as specified, may be reduced as a result of implementation. Under that law, participating counties are required to provide prescribed assisted outpatient services, including a service planning and delivery process, that are client-directed and employ psychosocial rehabilitation and recovery principles. Existing law authorizes participating counties to

pay for the services provided from moneys distributed to the counties from various continuously appropriated funds, including the Local Revenue Fund and the Mental Health Services Fund when included in a county plan, as specified.

This bill would delete the January 1, 2017, repeal date of those provisions, thereby extending the program indefinitely, and would also delete the finding requirement described above: *indefinitely*.

Existing law, the Lanterman-Petris-Short Act, authorizes the involuntary detention for a period of 72 hours for evaluation of persons who are dangerous to self or others, or gravely disabled, as defined. Existing law provides that if a person is detained for 72 hours or is under court order for evaluation and has received an evaluation, he or she may be certified for not more than 14 days of intensive treatment related to the mental disorder or impairment by chronic alcoholism if certain conditions are met, as specified. Under existing law, a person may be certified for intensive treatment for an additional period of time if he or she remains gravely disabled or unwilling or unable to accept voluntary treatment or if he or she is suicidal, as specified, or may be confined for postcertification treatment for up to 180 days if he or she has, among other things, attempted or inflicted physical harm upon another person, as specified.

This bill would, upon the release of a person from intensive treatment or postcertification treatment described above, authorize the professional staff of the agency or facility that provided the treatment to evaluate whether the person meets the criteria for assisted outpatient treatment. The bill would authorize the professional staff to request the county mental health director to file a petition in the superior court for assisted outpatient treatment if that person meets that criteria.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5346 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5346. (a) In any county in which services are available as
- 4 provided in Section 5348, a court may order a person who is the
- 5 subject of a petition filed pursuant to this section to obtain assisted
- 6 outpatient treatment if the court finds, by clear and convincing
- 7 evidence, that the facts stated in the verified petition filed in

1 accordance with this section are true and establish that all of the
2 requisite criteria set forth in this section are met, including, but
3 not limited to, each of the following:

4 (1) The person is 18 years of age or older.

5 (2) The person is suffering from a mental illness as defined in
6 paragraphs (2) and (3) of subdivision (b) of Section 5600.3.

7 (3) There has been a clinical determination that the person is
8 unlikely to survive safely in the community without supervision.

9 (4) The person has a history of lack of compliance with
10 treatment for his or her mental illness, in that at least one of the
11 following is true:

12 (A) The person's mental illness has, at least twice within the
13 last 36 months, been a substantial factor in necessitating
14 hospitalization, or receipt of services in a forensic or other mental
15 health unit of a state correctional facility or local correctional
16 facility, not including any period during which the person was
17 hospitalized or incarcerated immediately preceding the filing of
18 the petition.

19 (B) The person's mental illness has resulted in one or more acts
20 of serious and violent behavior toward himself or herself or
21 another, or threats, or attempts to cause serious physical harm to
22 himself or herself or another within the last 48 months, not
23 including any period in which the person was hospitalized or
24 incarcerated immediately preceding the filing of the petition.

25 (5) The person has been offered an opportunity to participate
26 in a treatment plan by the director of the local mental health
27 department, or his or her designee, provided the treatment plan
28 includes all of the services described in Section 5348, and the
29 person continues to fail to engage in treatment.

30 (6) The person's condition is substantially deteriorating.

31 (7) Participation in the assisted outpatient treatment program
32 would be the least restrictive placement necessary to ensure the
33 person's recovery and stability.

34 (8) In view of the person's treatment history and current
35 behavior, the person is in need of assisted outpatient treatment in
36 order to prevent a relapse or deterioration that would be likely to
37 result in grave disability or serious harm to himself or herself, or
38 to others, as defined in Section 5150.

39 (9) It is likely that the person will benefit from assisted
40 outpatient treatment.

1 ~~(b) (1) A petition for an order authorizing assisted outpatient~~
2 ~~treatment may be filed by the county mental health director, or his~~
3 ~~or her designee, in the superior court in the county where the person~~
4 ~~who is the subject of the petition is present or reasonably believed~~
5 ~~to be present.~~

6 ~~(2) A request may be made only by any of the following persons~~
7 ~~to the county mental health department for the filing of a petition~~
8 ~~to obtain an order authorizing assisted outpatient treatment:~~

9 ~~(A) Any person 18 years of age or older with whom the person~~
10 ~~who is the subject of the petition resides.~~

11 ~~(B) Any person who is the parent, spouse, or sibling or child~~
12 ~~18 years of age or older of the person who is the subject of the~~
13 ~~petition.~~

14 ~~(C) The director of any public or private agency, treatment~~
15 ~~facility, charitable organization, or licensed residential care facility~~
16 ~~providing mental health services to the person who is the subject~~
17 ~~of the petition in whose institution the subject of the petition~~
18 ~~resides.~~

19 ~~(D) The director of a hospital in which the person who is the~~
20 ~~subject of the petition is hospitalized.~~

21 ~~(E) A licensed mental health treatment provider who is either~~
22 ~~supervising the treatment of, or treating for a mental illness, the~~
23 ~~person who is the subject of the petition.~~

24 ~~(F) A peace officer, parole officer, or probation officer assigned~~
25 ~~to supervise the person who is the subject of the petition.~~

26 ~~(G) The professional staff of an agency or facility, as specified~~
27 ~~in Section 5349.3.~~

28 ~~(3) Upon receiving a request pursuant to paragraph (2), the~~
29 ~~county mental health director shall conduct an investigation into~~
30 ~~the appropriateness of filing the petition. The director shall file~~
31 ~~the petition only if he or she determines that there is a reasonable~~
32 ~~likelihood that all the necessary elements to sustain the petition~~
33 ~~can be proven in a court of law by clear and convincing evidence.~~

34 ~~(4) The petition shall state all of the following:~~

35 ~~(A) Each of the criteria for assisted outpatient treatment as set~~
36 ~~forth in subdivision (a).~~

37 ~~(B) Facts that support the petitioner's belief that the person who~~
38 ~~is the subject of the petition meets each criterion, provided that~~
39 ~~the hearing on the petition shall be limited to the stated facts in~~
40 ~~the verified petition, and the petition contains all the grounds on~~

1 which the petition is based, in order to ensure adequate notice to
2 the person who is the subject of the petition and his or her counsel.

3 (C) That the person who is the subject of the petition is present,
4 or is reasonably believed to be present, within the county where
5 the petition is filed.

6 (D) That the person who is the subject of the petition has the
7 right to be represented by counsel in all stages of the proceeding
8 under the petition, in accordance with subdivision (c).

9 (5) The petition shall be accompanied by an affidavit of a
10 licensed mental health treatment provider designated by the local
11 mental health director who shall state, if applicable, either of the
12 following:

13 (A) That the licensed mental health treatment provider has
14 personally examined the person who is the subject of the petition
15 no more than 10 days prior to the submission of the petition, the
16 facts and reasons why the person who is the subject of the petition
17 meets the criteria in subdivision (a), that the licensed mental health
18 treatment provider recommends assisted outpatient treatment for
19 the person who is the subject of the petition, and that the licensed
20 mental health treatment provider is willing and able to testify at
21 the hearing on the petition.

22 (B) That no more than 10 days prior to the filing of the petition,
23 the licensed mental health treatment provider, or his or her
24 designee, has made appropriate attempts to elicit the cooperation
25 of the person who is the subject of the petition, but has not been
26 successful in persuading that person to submit to an examination;
27 that the licensed mental health treatment provider has reason to
28 believe that the person who is the subject of the petition meets the
29 criteria for assisted outpatient treatment, and that the licensed
30 mental health treatment provider is willing and able to examine
31 the person who is the subject of the petition and testify at the
32 hearing on the petition.

33 (c) The person who is the subject of the petition shall have the
34 right to be represented by counsel at all stages of a proceeding
35 commenced under this section. If the person so elects, the court
36 shall immediately appoint the public defender or other attorney to
37 assist the person in all stages of the proceedings. The person shall
38 pay the cost of the legal services if he or she is able.

39 (d) (1) Upon receipt by the court of a petition submitted
40 pursuant to subdivision (b), the court shall fix the date for a hearing

1 at a time not later than five business days from the date the petition
2 is received by the court. The petitioner shall promptly cause service
3 of a copy of the petition, together with written notice of the hearing
4 date, to be made personally on the person who is the subject of the
5 petition, and shall send a copy of the petition and notice to the
6 county office of patient rights, and to the current health care
7 provider appointed for the person who is the subject of the petition;
8 if that provider is known to the petitioner. Continuances shall be
9 permitted only for good cause shown. In granting continuances,
10 the court shall consider the need for further examination by a
11 physician or the potential need to provide expeditiously assisted
12 outpatient treatment. Upon the hearing date, or upon any other
13 date or dates to which the proceeding may be continued, the court
14 shall hear testimony. If it is deemed advisable by the court, and if
15 the person who is the subject of the petition is available and has
16 received notice pursuant to this section, the court may examine in
17 or out of court the person who is the subject of the petition who is
18 alleged to be in need of assisted outpatient treatment. If the person
19 who is the subject of the petition does not appear at the hearing,
20 and appropriate attempts to elicit the attendance of the person have
21 failed, the court may conduct the hearing in the person's absence.
22 If the hearing is conducted without the person present, the court
23 shall set forth the factual basis for conducting the hearing without
24 the person's presence.

25 (2) The court shall not order assisted outpatient treatment unless
26 an examining licensed mental health treatment provider, who has
27 personally examined, and has reviewed the available treatment
28 history of, the person who is the subject of the petition within the
29 time period commencing 10 days before the filing of the petition,
30 testifies in person at the hearing.

31 (3) If the person who is the subject of the petition has refused
32 to be examined by a licensed mental health treatment provider,
33 the court may request that the person consent to an examination
34 by a licensed mental health treatment provider appointed by the
35 court. If the person who is the subject of the petition does not
36 consent and the court finds reasonable cause to believe that the
37 allegations in the petition are true, the court may order a person
38 designated under Section 5150 to take into custody the person who
39 is the subject of the petition and transport him or her, or cause him
40 or her to be transported, to a hospital for examination by a licensed

1 ~~mental health treatment provider as soon as is practicable.~~
2 ~~Detention of the person who is the subject of the petition under~~
3 ~~the order may not exceed 72 hours. If the examination is performed~~
4 ~~by another licensed mental health treatment provider, the~~
5 ~~examining licensed mental health treatment provider may consult~~
6 ~~with the licensed mental health treatment provider whose~~
7 ~~affirmation or affidavit accompanied the petition regarding the~~
8 ~~issues of whether the allegations in the petition are true and whether~~
9 ~~the person meets the criteria for assisted outpatient treatment.~~

10 (4) ~~The person who is the subject of the petition shall have all~~
11 ~~of the following rights:~~

12 (A) ~~To adequate notice of the hearings to the person who is the~~
13 ~~subject of the petition, as well as to parties designated by the person~~
14 ~~who is the subject of the petition.~~

15 (B) ~~To receive a copy of the court-ordered evaluation.~~

16 (C) ~~To counsel. If the person has not retained counsel, the court~~
17 ~~shall appoint a public defender.~~

18 (D) ~~To be informed of his or her right to judicial review by~~
19 ~~habeas corpus.~~

20 (E) ~~To be present at the hearing unless he or she waives the~~
21 ~~right to be present.~~

22 (F) ~~To present evidence.~~

23 (G) ~~To call witnesses on his or her behalf.~~

24 (H) ~~To cross-examine witnesses.~~

25 (I) ~~To appeal decisions, and to be informed of his or her right~~
26 ~~to appeal.~~

27 (5) (A) ~~If after hearing all relevant evidence, the court finds~~
28 ~~that the person who is the subject of the petition does not meet the~~
29 ~~criteria for assisted outpatient treatment, the court shall dismiss~~
30 ~~the petition.~~

31 (B) ~~If after hearing all relevant evidence, the court finds that~~
32 ~~the person who is the subject of the petition meets the criteria for~~
33 ~~assisted outpatient treatment, and there is no appropriate and~~
34 ~~feasible less restrictive alternative, the court may order the person~~
35 ~~who is the subject of the petition to receive assisted outpatient~~
36 ~~treatment for an initial period not to exceed six months. In~~
37 ~~fashioning the order, the court shall specify that the proposed~~
38 ~~treatment is the least restrictive treatment appropriate and feasible~~
39 ~~for the person who is the subject of the petition. The order shall~~
40 ~~state the categories of assisted outpatient treatment, as set forth in~~

1 Section 5348, that the person who is the subject of the petition is
2 to receive, and the court may not order treatment that has not been
3 recommended by the examining licensed mental health treatment
4 provider and included in the written treatment plan for assisted
5 outpatient treatment as required by subdivision (e). If the person
6 has executed an advance health care directive pursuant to Chapter
7 2 (commencing with Section 4650) of Part 1 of Division 4.7 of
8 the Probate Code, any directions included in the advance health
9 care directive shall be considered in formulating the written
10 treatment plan.

11 (6) If the person who is the subject of a petition for an order for
12 assisted outpatient treatment pursuant to subparagraph (B) of
13 paragraph (5) refuses to participate in the assisted outpatient
14 treatment program, the court may order the person to meet with
15 the assisted outpatient treatment team designated by the director
16 of the assisted outpatient treatment program. The treatment team
17 shall attempt to gain the person's cooperation with treatment
18 ordered by the court. The person may be subject to a 72-hour hold
19 pursuant to subdivision (f) only after the treatment team has
20 attempted to gain the person's cooperation with treatment ordered
21 by the court, and has been unable to do so.

22 (e) Assisted outpatient treatment shall not be ordered unless the
23 licensed mental health treatment provider recommending assisted
24 outpatient treatment to the court has submitted to the court a written
25 treatment plan that includes services as set forth in Section 5348,
26 and the court finds, in consultation with the county mental health
27 director, or his or her designee, all of the following:

28 (1) That the services are available from the county, or a provider
29 approved by the county, for the duration of the court order.

30 (2) That the services have been offered to the person by the
31 local director of mental health, or his or her designee, and the
32 person has been given an opportunity to participate on a voluntary
33 basis, and the person has failed to engage in, or has refused,
34 treatment.

35 (3) That all of the elements of the petition required by this article
36 have been met.

37 (4) That the treatment plan will be delivered to the county
38 director of mental health, or to his or her appropriate designee.

39 (f) If, in the clinical judgment of a licensed mental health
40 treatment provider, the person who is the subject of the petition

1 has failed or has refused to comply with the treatment ordered by
2 the court, and, in the clinical judgment of the licensed mental health
3 treatment provider, efforts were made to solicit compliance, and,
4 in the clinical judgment of the licensed mental health treatment
5 provider, the person may be in need of involuntary admission to
6 a hospital for evaluation, the provider may request that persons
7 designated under Section 5150 take into custody the person who
8 is the subject of the petition and transport him or her, or cause him
9 or her to be transported, to a hospital, to be held up to 72 hours for
10 examination by a licensed mental health treatment provider to
11 determine if the person is in need of treatment pursuant to Section
12 5150. Continued involuntary retention in a hospital beyond the
13 initial 72-hour period shall be pursuant to Section 5250. If at any
14 time during the 72-hour period the person is determined not to
15 meet the criteria of Section 5150, and does not agree to stay in the
16 hospital as a voluntary patient, he or she shall be released and any
17 subsequent involuntary detention in a hospital shall be pursuant
18 to Section 5150. Failure to comply with an order of assisted
19 outpatient treatment alone may not be grounds for involuntary
20 civil commitment or a finding that the person who is the subject
21 of the petition is in contempt of court.

22 (g) If the director of the assisted outpatient treatment program
23 determines that the condition of the patient requires further assisted
24 outpatient treatment, the director shall apply to the court, prior to
25 the expiration of the period of the initial assisted outpatient
26 treatment order, for an order authorizing continued assisted
27 outpatient treatment for a period not to exceed 180 days from the
28 date of the order. The procedures for obtaining an order pursuant
29 to this subdivision shall be in accordance with subdivisions (a) to
30 (f), inclusive. The period for further involuntary outpatient
31 treatment authorized by a subsequent order under this subdivision
32 may not exceed 180 days from the date of the order.

33 (h) At intervals of not less than 60 days during an assisted
34 outpatient treatment order, the director of the outpatient treatment
35 program shall file an affidavit with the court that ordered the
36 outpatient treatment affirming that the person who is the subject
37 of the order continues to meet the criteria for assisted outpatient
38 treatment. At these times, the person who is the subject of the order
39 shall have the right to a hearing on whether or not he or she still
40 meets the criteria for assisted outpatient treatment if he or she

1 disagrees with the director's affidavit. The burden of proof shall
2 be on the director.

3 (i) During each 60-day period specified in subdivision (h), if
4 the person who is the subject of the order believes that he or she
5 is being wrongfully retained in the assisted outpatient treatment
6 program against his or her wishes, he or she may file a petition for
7 a writ of habeas corpus, thus requiring the director of the assisted
8 outpatient treatment program to prove that the person who is the
9 subject of the order continues to meet the criteria for assisted
10 outpatient treatment.

11 (j) Any person ordered to undergo assisted outpatient treatment
12 pursuant to this article, who was not present at the hearing at which
13 the order was issued, may immediately petition the court for a writ
14 of habeas corpus. Treatment under the order for assisted outpatient
15 treatment may not commence until the resolution of that petition.

16 SEC. 2. Section 5347 of the Welfare and Institutions Code is
17 amended to read:

18 5347. (a) In any county in which services are available
19 pursuant to Section 5348, a person who is determined by the court
20 to be subject to subdivision (a) of Section 5346 may voluntarily
21 enter into an agreement for services under this section.

22 (b) (1) After a petition for an order for assisted outpatient
23 treatment is filed, but before the conclusion of the hearing on the
24 petition, the person who is the subject of the petition, or the
25 person's legal counsel with the person's consent, may waive the
26 right to an assisted outpatient treatment hearing for the purpose of
27 obtaining treatment under a settlement agreement, if an examining
28 licensed mental health treatment provider states that the person
29 can survive safely in the community. The settlement agreement
30 may not exceed 180 days in duration and shall be agreed to by all
31 parties.

32 (2) The settlement agreement shall be in writing, shall be
33 approved by the court, and shall include a treatment plan developed
34 by the community-based program that will provide services that
35 provide treatment in the least restrictive manner consistent with
36 the needs of the person who is the subject of the petition.

37 (3) Either party may request that the court modify the treatment
38 plan at any time during the 180-day period.

39 (4) The court shall designate the appropriate county department
40 to monitor the person's treatment under, and compliance with, the

1 settlement agreement. If the person fails to comply with the
2 treatment according to the agreement, the designated county
3 department shall notify the counsel designated by the county and
4 the person's counsel of the person's noncompliance.

5 (5) A settlement agreement approved by the court pursuant to
6 this section shall have the same force and effect as an order for
7 assisted outpatient treatment pursuant to Section 5346.

8 (6) At a hearing on the issue of noncompliance with the
9 agreement, the written statement of noncompliance submitted shall
10 be prima facie evidence that a violation of the conditions of the
11 agreement has occurred. If the person who is the subject of the
12 petition denies any of the facts as stated in the statement, he or she
13 has the burden of proving by a preponderance of the evidence that
14 the alleged facts are false.

15 SEC. 3. Section 5348 of the Welfare and Institutions Code is
16 amended to read:

17 5348. (a) For purposes of subdivision (e) of Section 5346, a
18 county that chooses to provide assisted outpatient treatment
19 services pursuant to this article shall offer assisted outpatient
20 treatment services, including, but not limited to, all of the
21 following:

22 (1) Community-based, mobile, multidisciplinary, highly trained
23 mental health teams that use high staff-to-client ratios of no more
24 than 10 clients per team member for those subject to court-ordered
25 services pursuant to Section 5346.

26 (2) A service planning and delivery process that includes the
27 following:

28 (A) Determination of the numbers of persons to be served and
29 the programs and services that will be provided to meet their needs.
30 The local director of mental health shall consult with the sheriff,
31 the police chief, the probation officer, the mental health board,
32 contract agencies, and family, client, ethnic, and citizen
33 constituency groups as determined by the director.

34 (B) Plans for services, including outreach to families whose
35 severely mentally ill adult is living with them, design of mental
36 health services, coordination and access to medications, psychiatric
37 and psychological services, substance abuse services, supportive
38 housing or other housing assistance, vocational rehabilitation, and
39 veterans' services. Plans shall also contain evaluation strategies,
40 which shall consider cultural, linguistic, gender, age, and special

1 needs of minorities and those based on any characteristic listed or
2 defined in Section 11135 of the Government Code in the target
3 populations. Provision shall be made for staff with the cultural
4 background and linguistic skills necessary to remove barriers to
5 mental health services as a result of having
6 limited English-speaking ability and cultural differences.
7 Recipients of outreach services may include families, the public,
8 primary care physicians, and others who are likely to come into
9 contact with individuals who may be suffering from an untreated
10 severe mental illness who would be likely to become homeless if
11 the illness continued to be untreated for a substantial period of
12 time. Outreach to adults may include adults voluntarily or
13 involuntarily hospitalized as a result of a severe mental illness.

14 (C) Provision for services to meet the needs of persons who are
15 physically disabled.

16 (D) Provision for services to meet the special needs of older
17 adults.

18 (E) Provision for family support and consultation services,
19 parenting support and consultation services, and peer support or
20 self-help group support, if appropriate.

21 (F) Provision for services to be client-directed and that employ
22 psychosocial rehabilitation and recovery principles.

23 (G) Provision for psychiatric and psychological services that
24 are integrated with other services and for psychiatric and
25 psychological collaboration in overall service planning.

26 (H) Provision for services specifically directed to seriously
27 mentally ill young adults 25 years of age or younger who are
28 homeless or at significant risk of becoming homeless. These
29 provisions may include continuation of services that still would
30 be received through other funds had eligibility not been terminated
31 as a result of age.

32 (I) Services reflecting special needs of women from diverse
33 cultural backgrounds, including supportive housing that accepts
34 children, personal services coordinator therapeutic treatment, and
35 substance abuse treatment programs that address gender-specific
36 trauma and abuse in the lives of persons with mental illness, and
37 vocational rehabilitation programs that offer job training programs
38 free of gender bias and sensitive to the needs of women.

39 (J) Provision for housing for clients that is immediate,
40 transitional, permanent, or all of these.

1 ~~(K) Provision for clients who have been suffering from an~~
2 ~~untreated severe mental illness for less than one year, and who do~~
3 ~~not require the full range of services, but are at risk of becoming~~
4 ~~homeless unless a comprehensive individual and family support~~
5 ~~services plan is implemented. These clients shall be served in a~~
6 ~~manner that is designed to meet their needs.~~

7 ~~(3) Each client shall have a clearly designated mental health~~
8 ~~personal services coordinator who may be part of a~~
9 ~~multidisciplinary treatment team who is responsible for providing~~
10 ~~or assuring needed services. Responsibilities include complete~~
11 ~~assessment of the client's needs, development of the client's~~
12 ~~personal services plan, linkage with all appropriate community~~
13 ~~services, monitoring of the quality and followthrough of services,~~
14 ~~and necessary advocacy to ensure each client receives those~~
15 ~~services that are agreed to in the personal services plan. Each client~~
16 ~~shall participate in the development of his or her personal services~~
17 ~~plan, and responsible staff shall consult with the designated~~
18 ~~conservator, if one has been appointed, and, with the consent of~~
19 ~~the client, shall consult with the family and other significant~~
20 ~~persons as appropriate.~~

21 ~~(4) The individual personal services plan shall ensure that~~
22 ~~persons subject to assisted outpatient treatment programs receive~~
23 ~~age-appropriate, gender-appropriate, and culturally appropriate~~
24 ~~services, to the extent feasible, that are designed to enable~~
25 ~~recipients to:~~

26 ~~(A) Live in the most independent, least restrictive housing~~
27 ~~feasible in the local community, and, for clients with children, to~~
28 ~~live in a supportive housing environment that strives for~~
29 ~~reunification with their children or assists clients in maintaining~~
30 ~~custody of their children as is appropriate.~~

31 ~~(B) Engage in the highest level of work or productive activity~~
32 ~~appropriate to their abilities and experience.~~

33 ~~(C) Create and maintain a support system consisting of friends,~~
34 ~~family, and participation in community activities.~~

35 ~~(D) Access an appropriate level of academic education or~~
36 ~~vocational training.~~

37 ~~(E) Obtain an adequate income.~~

38 ~~(F) Self-manage their illnesses and exert as much control as~~
39 ~~possible over both the day-to-day and long-term decisions that~~
40 ~~affect their lives.~~

1 ~~(G) Access necessary physical health care and maintain the best~~
2 ~~possible physical health.~~

3 ~~(H) Reduce or eliminate serious antisocial or criminal behavior,~~
4 ~~and thereby reduce or eliminate their contact with the criminal~~
5 ~~justice system.~~

6 ~~(I) Reduce or eliminate the distress caused by the symptoms of~~
7 ~~mental illness.~~

8 ~~(J) Have freedom from dangerous addictive substances.~~

9 ~~(5) The individual personal services plan shall describe the~~
10 ~~service array that meets the requirements of paragraph (4), and to~~
11 ~~the extent applicable to the individual, the requirements of~~
12 ~~paragraph (2).~~

13 ~~(b) A county that provides assisted outpatient treatment services~~
14 ~~pursuant to this article also shall offer the same services on a~~
15 ~~voluntary basis.~~

16 ~~(c) Involuntary medication shall not be allowed absent a separate~~
17 ~~order by the court pursuant to Sections 5332 to 5336, inclusive.~~

18 ~~(d) A county that operates an assisted outpatient treatment~~
19 ~~program pursuant to this article shall provide data to the State~~
20 ~~Department of Health Care Services and, based on the data, the~~
21 ~~department shall report to the Legislature on or before May 1 of~~
22 ~~each year regarding the services the county provides pursuant to~~
23 ~~this article. The report shall include, at a minimum, an evaluation~~
24 ~~of the effectiveness of the strategies employed by each program~~
25 ~~operated pursuant to this article in reducing homelessness and~~
26 ~~hospitalization of persons in the program and in reducing~~
27 ~~involvement with local law enforcement by persons in the program.~~
28 ~~The evaluation and report shall also include any other measures~~
29 ~~identified by the department regarding persons in the program and~~
30 ~~all of the following, based on information that is available:~~

31 ~~(1) The number of persons served by the program and, of those,~~
32 ~~the number who are able to maintain housing and the number who~~
33 ~~maintain contact with the treatment system.~~

34 ~~(2) The number of persons in the program with contacts with~~
35 ~~local law enforcement, and the extent to which local and state~~
36 ~~incarceration of persons in the program has been reduced or~~
37 ~~avoided.~~

38 ~~(3) The number of persons in the program participating in~~
39 ~~employment services programs, including competitive employment.~~

1 ~~(4) The days of hospitalization of persons in the program that~~
2 ~~have been reduced or avoided.~~

3 ~~(5) Adherence to prescribed treatment by persons in the program.~~

4 ~~(6) Other indicators of successful engagement, if any, by persons~~
5 ~~in the program.~~

6 ~~(7) Victimization of persons in the program.~~

7 ~~(8) Violent behavior of persons in the program.~~

8 ~~(9) Substance abuse by persons in the program.~~

9 ~~(10) Type, intensity, and frequency of treatment of persons in~~
10 ~~the program.~~

11 ~~(11) Extent to which enforcement mechanisms are used by the~~
12 ~~program, when applicable.~~

13 ~~(12) Social functioning of persons in the program.~~

14 ~~(13) Skills in independent living of persons in the program.~~

15 ~~(14) Satisfaction with program services both by those receiving~~
16 ~~them and by their families, when relevant.~~

17 ~~SEC. 4. Section 5349 of the Welfare and Institutions Code is~~
18 ~~amended to read:~~

19 ~~5349. This article shall be operative in those counties in which~~
20 ~~the county board of supervisors, by resolution or through the county~~
21 ~~budget process, authorizes its application. To the extent otherwise~~
22 ~~permitted under state and federal law, counties that elect to~~
23 ~~implement this article may pay for the provision of services under~~
24 ~~Sections 5347 and 5348 using funds distributed to the counties~~
25 ~~from the Mental Health Subaccount, the Mental Health Equity~~
26 ~~Subaccount, and the Vehicle License Collection Account of the~~
27 ~~Local Revenue Fund, funds from the Mental Health Account and~~
28 ~~the Behavioral Health Subaccount within the Support Services~~
29 ~~Account of the Local Revenue Fund 2011, funds from the Mental~~
30 ~~Health Services Fund when included in county plans pursuant to~~
31 ~~Section 5847, and any other funds from which the Controller makes~~
32 ~~distributions to the counties for those purposes. Compliance with~~
33 ~~this section shall be monitored by the State Department of Health~~
34 ~~Care Services as part of its review and approval of county~~
35 ~~performance contracts.~~

36 ~~SEC. 5. Section 5349.1 of the Welfare and Institutions Code~~
37 ~~is amended to read:~~

38 ~~5349.1. (a) Counties that elect to implement this article shall,~~
39 ~~in consultation with the State Department of Health Care Services,~~
40 ~~client and family advocacy organizations, and other stakeholders,~~

1 ~~develop a training and education program for purposes of~~
2 ~~improving the delivery of services to mentally ill individuals who~~
3 ~~are, or who are at risk of being, involuntarily committed under this~~
4 ~~part. This training shall be provided to mental health treatment~~
5 ~~providers contracting with participating counties and to other~~
6 ~~individuals, including, but not limited to, mental health~~
7 ~~professionals, law enforcement officials, and certification hearing~~
8 ~~officers involved in making treatment and involuntary commitment~~
9 ~~decisions.~~

10 (b) ~~The training shall include both of the following:~~

11 (1) ~~Information relative to legal requirements for detaining a~~
12 ~~person for involuntary inpatient and outpatient treatment, including~~
13 ~~criteria to be considered with respect to determining if a person is~~
14 ~~considered to be gravely disabled.~~

15 (2) ~~Methods for ensuring that decisions regarding involuntary~~
16 ~~treatment as provided for in this part direct patients toward the~~
17 ~~most effective treatment. Training shall include an emphasis on~~
18 ~~each patient's right to provide informed consent to assistance.~~

19 ~~SEC. 6. Section 5349.3 is added to the Welfare and Institutions~~
20 ~~Code, to read:~~

21 ~~5349.3. (a) Upon the release of a person from involuntary~~
22 ~~treatment pursuant to Section 5257, 5264, 5270.35, or 5304, the~~
23 ~~professional staff of the agency or facility that provided that~~
24 ~~treatment may evaluate whether that person meets the criteria~~
25 ~~established in subdivision (a) of Section 5346 for assisted~~
26 ~~outpatient treatment.~~

27 (b) ~~If that person meets the criteria in subdivision (a) of Section~~
28 ~~5346, the professional staff of the agency or facility may request~~
29 ~~the county mental health director, or his or her designee, to file a~~
30 ~~petition in the superior court pursuant to subdivision (b) of Section~~
31 ~~5346 for assisted outpatient treatment.~~

32 ~~SEC. 7:~~

33 ~~SECTION 1. Section 5349.5 of the Welfare and Institutions~~
34 ~~Code is amended to read:~~

35 ~~5349.5. The State Department of Health Care Services shall~~
36 ~~submit a report and evaluation of all counties implementing any~~
37 ~~component of this article to the Governor and to the Legislature~~

1 by July 1, 2015. The evaluation shall include data described in
2 subdivision (d) of Section 5348.

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